

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 SYSONGKHAM PHANTHAY, et al.,
5 Plaintiffs,

6 v.

7 CIRCUS CIRCUS HOTEL & CASINO,
8 Defendant.

Case No. 2:24-cv-01558-BNW

ORDER

9
10 Before the Court are eight Motions for Demand for Security of Costs: four from
11 Defendant Circus Circus Hotel & Casino, and four from former Defendant Phil Ruffin. ECF
12 Nos. 14-21. Phil Ruffin has been terminated as a Defendant from this case, therefore his Motions
13 are moot and are thus denied. ECF No. 10.

14 Defendant seeks an order from the Court for Plaintiffs to post a cost bond pursuant to
15 N.R.S. § 18.130(1) as Plaintiffs are not residents of Nevada. Because each of the Plaintiffs here
16 have been granted leave to proceed *in forma pauperis*, they are exempt from paying security
17 costs and Defendant's Motions are therefore denied.

18 Under N.R.S. § 18.130(1), "When a plaintiff in an action resides out of the State, or is a
19 foreign corporation, security for the costs and charges which may be awarded against such
20 plaintiff may be required by the defendant." The Ninth Circuit has stated the following with
21 respect to a demand for security for costs in federal court:

22 There is no specific provision in the Federal Rules of Civil Procedure relating to
23 security for costs. However, the federal district courts have inherent power to
24 require plaintiffs to post security for costs. Typically federal courts, either by rule
25 or by case-to-case determination, follow the forum state's practice with regard to
26 security for costs, as they did prior to the federal rules; this is especially common
27 when a non-resident party is involved.

28 *Simulnet E. Assoc. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (citation and internal
quotations omitted). While the United States District Court for the District of Nevada has not
adopted a specific court rule with respect to security for costs, it has applied N.R.S. § 18.130 in

1 diversity-jurisdiction cases. *Hamar v. Hyatt Corp.*, 98 F.R.D. 305 (D. Nev. 1983) (“It has been
2 the policy of the United States District Court for the District of Nevada to enforce the
3 requirements of N.R.S. 18.130 in diversity actions.”).

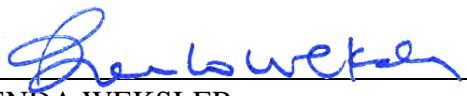
4 Here, the complaint was filed based on diversity jurisdiction. ECF No. 1 at 1–1.
5 However, Plaintiffs have all been granted leave to proceed *in forma pauperis*. ECF No. 10.
6 Parties who have been granted leave to proceed *in forma pauperis* are explicitly exempt not just
7 from prepayment of fees, but from prepayment of security costs. 28 U.S.C. § 1915(a)(1); *see also*
8 *Arrambide v. St. Mary’s Hosp., Inc.*, 647 F. Supp. 1148, 1149 (D. Nev. 1986) (stating that
9 plaintiffs who prove their indigent status in detail by affidavit are exempt from paying security
10 costs); *Feagins v. Trump Org.*, No. 11-cv-01121, 2012 WL 925027, at *1 (D. Nev. Mar. 19,
11 2012) (stating that plaintiffs who are granted leave to proceed *in forma pauperis* are exempt from
12 paying security costs).

13 As stated above, each of the Plaintiffs in this case have been granted leave to proceed *in*
14 *forma pauperis*. ECF No. 10. Therefore, they are exempt from paying security costs. As a result,
15 Defendant’s Motions are denied.

16 **IT IS THEREFORE ORDERED** that Defendant Circus Circus Hotel & Casino’s
17 Motions for Demand for Security of Costs (ECF Nos. 14, 16, 18, 20) are **DENIED**.

18 **IT IS FURTHER ORDERED** that former Defendant Phil Ruffin’s Motions for Demand
19 for Security of Costs (ECF Nos. 15, 17, 19, 21) are **DENIED**.

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21 DATED this 19th day of November 2024.

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23 
24 BREND A WEKSLER
25 UNITED STATES MAGISTRATE JUDGE
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